

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>DANIEL GWYNN,</b>	:	
Petitioner,	:	CIVIL ACTION
v.	:	
<b>COMMISIONER JEFFREY BEARD, et al.,</b>	:	NO. 08-5061-KSM
Respondents.	:	

**ORDER**

**AND NOW**, this 8th day of June 2023, upon consideration of the Petitioner's Memorandum in Support of his Habeas Petition (Doc. No. 123), the Commonwealth's response (Doc. No. 141), Petitioner's reply (Document No. 142), the other documents filed by the parties, and after review of the Report and Recommendation of United States Magistrate Judge Carol Sandra Moore Wells, to which neither party objects, it is hereby

**ORDERED** that:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**.
2. Petitioner is **GRANTED** habeas relief based upon the claim that the Commonwealth violated his federal constitutional rights under *Brady v. Maryland*, 373 U.S. 83 (1963), and its progeny.
3. The Commonwealth shall retry Petitioner within 180 days of this order, or it shall release him from custody related to this case.

**IT IS SO ORDERED.**

**BY THE COURT:**

/s/ *Karen Spencer Marston*

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**KAREN SPENCER MARSTON, J.**